

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0330-03  
Bill No.: HB 54  
Subject: Crimes and Punishment; Law Enforcement Officers and Agencies; Department of Public Safety  
Type: Original  
Date: April 14, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$2,094,455)	(\$1,721,444)	(\$1,772,141)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$2,094,455)</b>	<b>(\$1,721,444)</b>	<b>(\$1,772,141)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
None			
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2004</b>	<b>FY 2005</b>	<b>FY 2006</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### **FISCAL ANALYSIS**

#### **ASSUMPTION**

Officials from the **Office of Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposed legislation would revise the DNA profiling system to include all types of pleas and convictions and all felony offenses. It makes these records closed records with certain exceptions and restricts use. This fiscal note reflects information the MHP received from the Department of Corrections (DOC) regarding the number of individuals currently under the supervision of the DOC who will become eligible for DNA collection. This information was not available in previous versions of proposed legislation on the DNA profiling system.

ASSUMPTION (continued)

According to the MHP's Criminal Laboratory Division, the proposed legislation would increase current annual collections from 2,000 to at least 28,000 after the initial start-up. In the first year, it is expected that approximately 74,000 new individuals currently under supervision of the Department of Corrections (DOC) will become eligible for DNA collection. In addition, 28,000 new individuals not currently under supervision of the DOC will have new DNA to be collected. The initial 74,000 would be divided over a period of three years, with 23,096 done in the first year and 25,548 done in second and third years. This would be in addition to the 28,000 new collections that are expected. The total DNA collections done for the first year would be 51,096 (23,096 already in custody + 28,000 new). In years two and three, 53,548 collections would be done (25,548 already in custody + 28,000 new). This would require new equipment and 2 FTE Criminalists (each at \$27,444 per year) and 3 FTE Lab Evidence Technicians (each at \$21,720 per year). The Criminalists would be responsible for analyzing samples. The Lab Evidence Technicians would be responsible for performing collections. These FTE would have to maintain certain accreditation requirements such as proficiency tests, training, and membership in scientific organizations. They would require standard office equipment as well as some specialized equipment that is needed for the duties they perform, including 3 new cars for the FTE to travel to locations and collect samples. At this time, there is no accurate way to determine the amount of total "suspended imposition of sentence" cases and misdemeanors, so that cost is unknown to the MHP. However, based on the number of felony convictions, the MHP estimates the cost of the proposal to be \$2,094,455 in FY 04; \$1,721,444 in FY 05; and \$1,772,141 in FY 06. The MHP assumes the majority of the felonies included in the proposed legislation would not be highway related. Although there may be some that are highway related, MHP believes the impact on the Highway Fund would be minimal, and assumes all fiscal impact to the General Revenue Fund.

Officials from the **Department of Corrections (DOC)** assume the bill revises the DNA profiling system to include all felons and that these records are closed. The DOC assumes the fiscal impact to be an unknown amount expected to exceed \$100,000 annually, due to the necessity of additional Probation and Parole staff necessary to implement the requirements of this bill if passed into law. Although test costs would be borne by the Department of Public Safety, Probation & Parole Officers would be required to identify offenders who would need to be tested, notify and counsel with those offenders, schedule and ascertain availability of offenders for testing and provide that staff be present at the time of the test. Offenders in the field (as opposed to incarcerated offenders) are much more likely to fail to appear and then have to be located and physically brought to the testing site. Court action is sometimes necessary.

ASSUMPTION (continued)

**Oversight** assumes the Department of Corrections would experience some additional costs for inmate movement, etc. in order to facilitate the testing. Oversight assumes the DOC could absorb the costs within existing resources. If the DOC experiences an increase that would require additional funding, the DOC could request the funding through the appropriation process.

Officials from the **Greene County Sheriff's Office, Cole County Sheriff's Office, St. Louis County Department of Justice Services,** and the **Jackson County Sheriff's Office** did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
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**GENERAL REVENUE FUND**

<u>Costs – Missouri State Highway Patrol</u>			
Personal Service (5 FTE)	(\$102,541)	(\$126,125)	(\$129,279)
Fringe Benefits	(\$51,670)	(\$63,554)	(\$65,144)
Equipment and Expense	(\$1,940,244)	(\$1,531,765)	(\$1,577,718)
<u>Total Costs – MHP</u>	<u>(\$2,094,455)</u>	<u>(\$1,721,444)</u>	<u>(\$1,772,141)</u>

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$2,094,455)</u></b>	<b><u>(\$1,721,444)</u></b>	<b><u>(\$1,772,141)</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

### DESCRIPTION

Currently, individuals who are convicted in Missouri of a violent felony offense or of a sex offense are required to submit a biological sample for DNA analysis. This bill would require individuals convicted of any felony offense to submit a sample for DNA analysis and would add individuals who plead guilty and nolo contendere to the list of those required to submit a sample.

The proposal would also make DNA records closed records under the Sunshine Law. It would allow the records to be released to listed individuals and would specify purposes for which the records can be used.

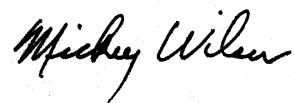
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of Attorney General  
Office of State Courts Administrator  
Department of Corrections  
Department of Public Safety  
    – Missouri State Highway Patrol  
Office of Prosecution Services

### NOT RESPONDING

Greene County Sheriff  
Cole County Sheriff  
St. Louis County Department of Justice Services  
Jackson County Sheriff



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